

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12977, of Nivan, Inc., as amended, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for special exceptions under Paragraph 3105.42 for a proposed new residential development and under Sub-section 3307.2 to allow a group of flats with division walls from the ground up to be deemed a single building and for a variance from the height in story limitation for a new residential development comprising ten flats grouped as one building and five flats grouped as another building in an R-5-A District at the premises 1001-1019, 1031-1039, 1045-1063 Quincy Court, N.E. (Square 3884, Lots 3 and 808).

HEARING DATES: June 20, 1979 and December 5, 1979

DECISION DATES: July 11, August 8, September 5, October 3, 1979
and January 9, 1980

FINAL DATE OF ORDER: March 10, 1980

DISPOSITION: The Board Granted the application by a vote of 3-1 (William F. McIntosh, Charles R. Norris and Walter B. Lewis to grant; Connie Fortune opposed and Leonard L. McCants abstaining).

FINDINGS OF FACT:

1. The Board in its Final Order of March 10, 1980 granted the application subject to the condition that the development be constructed in accordance with the plans submitted to the Board as Exhibit No. 66 of the record.

2. By letter of May 16, 1980, the applicant requested a modification of plans. The modification is needed to eliminate a sub-standard court which the applicant states was not evident until the architect prepared a detailed design and completed the construction documents and working drawings.

3. In the subject R-5-A District, the Zoning Regulations require a minimum court width of ten feet. The applicant proposes to provide a passage between the two portions of the building fronting on Michigan Avenue which is only 5.92 feet wide, as opposed to the ten feet shown on the original plans. In order to eliminate the need for a variance, the applicant proposes to raise the roof over the passage to the same height as the roof of the other portion of the building.

4. The revised plans create a different architectural treatment on the Michigan Avenue frontage. Instead of a building divided into two sections, the building will have a continuous roof line and appear as one long building.

5. There was opposition to the application as heard originally by the ANC and owners of property surrounding the subject site.

6. There were two public hearings on this application. The Board prior to its final decision considered the application at five public meetings.


CONCLUSIONS OF LAW:

The Board concludes that in view of the time and attention this application has received and the opposition to it, the subject request for modification of plans which is designed to technically avoid the need for an area variance, cannot be approved. The subject request cannot be considered a minor modification to plans already approved. A further hearing in which all parties can be heard is the proper recourse. Accordingly it is ORDERED that the request for modification of plans is DENIED.

VOTE: 3-0 (Charles R. Norris, Leonard L. McCants and William F. McIntosh to DENY; Connie Fortune ABSTAINING; John G. Parsons not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 27 JUN 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."